

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Defendants' Motion for Summary Judgment (Docket No. 25) is **GRANTED**.

3. The Defendants' Motion to Exclude Expert Testimony (Docket No. 27) is hereby **MOOT**.

/s/George Z. Singal
Chief U.S. District Judge

Dated: October 16, 2007

Plaintiff

EMIL N WHITTEN

represented by **MICHAEL J. O'TOOLE**
WOODMAN EDMANDS
DANYLIK & AUSTIN, P.A.
P.O. BOX 468
234 MAIN STREET
BIDDEFORD, ME 04005
(207) 284-4581
Email: mjo@woodedlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

STANLEY MOORE

*Deputy Sheriff, County of York and
State of Maine*

represented by **JOHN J. WALL, III**
MONAGHAN LEAHY, LLP
P. O. BOX 7046 DTS
PORTLAND, ME 04112-7046
774-3906
Email: jwall@monaghanleahy.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

PHILLIP F COTE

*Sheriff, County of York and State of
Maine*

represented by **JOHN J. WALL, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

YORK, COUNTY OF

represented by **JOHN J. WALL, III**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED